IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
Writ Petition No.7088 of 2005

Shri Swamirao Narayan Bhawarthi. .. Petitioner

Vs.

Solapur Municipal Corporation & Anr.. Respondents

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Shri S.G.Kudle for the petitioner.

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CORAM : R.M.S.KHANDEPARKAR &
SMT.ROSHAN DALVI, JJ.

DATED : 16th JUNE, 2006

P.C.

1. Heard. It is the grievance of the petitioner that though he was appointed as Electrician in the Gram Panchayat, which was subsequently merged with the Solapur Municipal Corporation, and though the petitioner continued in the same post in Municipal Corporation, on account of merger of Gram Panchayat, he was refused the salary payable to the Electrician inspite of specific demand for such salary. As the same was refused, the petitioner approached this Court with the Writ Petition No.2979 of 2004. While disposing the said petition, the petitioner was

permitted to file an application for absorption as Electrician, and accordingly the petitioner had filed the said application which has been rejected by the respondent-Corporation by an order dated 15th June, 2005.

2. The contention of the petitioner that he continued to be the Electrician on merger of Gram Panchayat in the Corporation is not borne out from the records. On the contrary, the impugned order clearly discloses that on such merger, the petitioner was absorbed as Wireman with effect from 5th May, 1992. Undisputedly, the said order of absorption was not challenged by the petitioner. Though it appears that the petitioner made grievance regarding non payment of salary payable to the Electrician, mere making of such grievance cannot transform the post of Wireman into a post of Electrician.

3. Undisputedly, the petitioner was absorbed in the year 1992 as Wireman. Merely because new posts were created for the Electricians in the year 2003, the petitioner cannot claim, as a matter of right, appointment to such post unless he satisfies eligibility criteria fixed for the appointment to such post. The impugned order discloses that the

petitioner does not satisfy the eligibility criteria on account of lack of educational qualification as well as necessary experience. The finding in that regard arrived at by the authorities is not disputed.

4. In the circumstances, therefore, there is no case made out for interference in writ jurisdiction, nor the impugned order can be said to be illegal. The petition, therefore, is rejected. No order as to costs.

(R.M.S.KHANDEPARKAR, J)

(SMT.ROSHAN DALVI, J)